

Exhibit 2

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION.

Master File No. 3:07-cv-5944 JST

MDL No. 1917

This Document Relates to:

**OPPOSITION TO MOTION TO STRIKE
RELATING TO COOPER & KIRKHAM,
P.C.'S DECEMBER 9, 2015, JANUARY 5,
2016 AND JANUARY 8, 2016 FILINGS**

All Indirect-Purchaser Actions

Judge: Honorable Jon S. Tigar

Before: Special Master Martin Quinn, JAMS

1 Lead Counsel has moved “to strike *references in Cooper & Kirkham, P.C.*’s (“Cooper &
 2 Kirkham”) December 9, 2015, January 5, 2016 and January 8, 2016 *filings* suggesting that Steven
 3 Ganz (their client and a court-appointed class representative for the State of California) is an
 4 objector.”¹ The concise and precise answer to this motion is that there are no “references in” these
 5 “filings” that “suggest,” state or imply that Steven Ganz individually is an objector.

6 Indeed, upon reading the Motion to Strike, one discovers that actually it is not directed to
 7 the content of any filing, as Lead Counsel concedes that “[t]he bodies of these filings *do not* state
 8 that they are being filed on behalf of Mr. Ganz.” *Ibid* (emphasis added). Rather, the motion is
 9 directed to the content of what are most likely computer-generated JAMS or Case Anywhere
 10 emails that give notice that a filing was uploaded to the JAMS Case Anywhere website. Lead
 11 Counsel never explains what possible legal significance such emails could carry that justifies the
 12 time and energy that has been and will be expended by counsel and the Special Master to
 13 adjudicate this motion.

14 Cooper & Kirkham is not “surreptitiously through the Case Anywhere filing system,” or in
 15 any other manner “attempting to assert . . . that Mr. Ganz is now objecting to the settlements.” *Id.*
 16 at 2. Cooper & Kirkham is simply employing the designated filing protocol for submitting
 17 documents to the Special Master. Moreover, Cooper & Kirkham cannot directly affect the content
 18 of the automated emails at issue. We know because we have tried. As detailed in the Declaration
 19 of John D. Bogdanov filed concurrently herewith, Cooper & Kirkham followed the same
 20 procedure for each of its filings with Case Anywhere, and none of the steps necessary to file a
 21 document with JAMS involves inserting Mr. Ganz’s name or the designation, “Objector,” in any
 22 field in the Case Anywhere system. See, Bogdanov Declaration² at ¶¶ 2 - 9.

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 25 ¹ “Indirect Purchaser Plaintiffs’ Motion to Strike Relating to Cooper & Kirkham, P.C.’s December 9, 2015,
 26 January 5, 2016 and January 8, 2016 Filings,” filed January 9, 2016 (“Motion to Strike”) at p. 1.

27 ² “Declaration of John D. Bogdanov in Support of Opposition to Indirect Purchaser Plaintiffs’ Motion to
 28 Strike Relating to Cooper & Kirkham, P.C.’s December 9, 2015, January 5, 2016 and January 8, 2016
 Filings,” filed concurrently herewith.

1 However, as Mr. Bogdanov relates, “[s]ometime between December 9 and December 14,
 2 2015,” he noticed that the “Document Submission Confirmation” for the December 9, 2015 filing
 3 “contained a reference that my firm was ‘Representing’ ‘Steven Ganz (Objector),’ rather than the
 4 ‘Indirect Purchaser Class Plaintiffs’ regarding these filings.” *Id.* at ¶10. Mr. Bogdanov then
 5 attempted unsuccessfully to locate a window on the Case Anywhere system that would provide
 6 him with an “interface in order to change this designation.” *Ibid.* On December 14, 2015, he
 7 telephoned Case Anywhere Customer Support, and, *inter alia*, requested that the Case Anywhere
 8 service list be changed to “indicate ‘Indirect Purchaser Class Plaintiffs’ in the ‘Representing’ field
 9 for [his] firm, rather than ‘Steven Ganz.’” *Id.* at ¶11. However, Mr. Bogdanov was told that “it
 10 was not possible for [him] to change this field online,” nor could the change be made by a
 11 representative of Case Anywhere. Rather, “authorization for such a change must originate from a
 12 Case Manager at JAMS.” *Ibid.*

13 Later that day, Mr. Bogdanov telephoned Ms. Sandra Chan, the JAMS Case Manager for
 14 this action, and explained to her the problem with the “Representing” field on the service emails
 15 from Case Anywhere. *Id.* at ¶12. He told her that he had been informed by Case Anywhere
 16 customer support that the change he wanted to make from “Steven Ganz” to “Indirect Purchaser
 17 Class Plaintiffs” could only be made if authorized by a Case Manager at JAMS, and requested that
 18 Ms. Chan contact Case Anywhere. *Ibid.* Ms. Chan said that she would inform Case Anywhere to
 19 make the change per Mr. Bogdanov’s request. *Ibid.* Apparently, the requested change had not
 20 been effectuated when the January 5 and 8 emails were filed.

21 This motion is paranoid at best and frivolous at worst. Everyone understands that it is
 22 Lead Counsel’s position that Cooper & Kirkham’s objections, authorities and argument should be
 23 disregarded because the firm was not appointed Lead Counsel, and therefore lacks standing to
 24 raise issues on behalf of Indirect Purchaser Class Plaintiffs or absent class members.³ However,

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 26 ³ Had Cooper & Kirkham filed objections on behalf of Mr. Ganz individually, we expect that Lead
 27 Counsel would have taken the position that being a consumer from California, Mr. Ganz could not show
 28 personal injury from either obtaining releases from uncompensated non-repeater state purchasers, or the

1 as we have said before, class action settlement approval is not an arena in which “shoot the
2 messenger” can be a winning strategy for defeating the message. Indeed, insofar as there is even a
3 contest here, the “winner” is pre-decided – the absent members of the classes whom the Court, and
4 by extension, the Special Master, are obligated to protect. This motion should be denied.

5 Dated: January 13, 2016

Respectfully submitted,

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27 Pursuant to Civil L.R. 5-1(i), the filer attests that the concurrence in the filing of this
28 document has been obtained from each of the above signatories.

29
30 _____
31 exclusion of resellers from the Chunghwa distribution, and therefore, lacks standing to raise those issues.